



CITY OF SUNNYVALE REPORT Administrative Hearing

October 29, 2003

SUBJECT: **2003-0489 - Verizon Wireless [Applicant]:** Application for a 18,978 square foot site located at **895 East Fremont Avenue** in a C-1/PD (Neighborhood Business/Planned Development) Zoning District (APN: 211-25-033):

Motion Special Development Permit to allow the co-location of a wireless telecommunications facility consisting of 12 panel antennae and ancillary ground equipment.

REPORT IN BRIEF

Existing Site Conditions Existing telecommunication antennas located within the architectural domers of a medical office building located on the corner of Wolfe Road and Fremont Avenue

Surrounding Land Uses

North	Single Family
South	Gas Station (Commercial) located across Fremont Ave
East	Hotel (Commercial) located across Wolfe Road
West	Single Family (R-3 Residential)

Issues Architectural Compatibility
Landscaping Area

Environmental Status A Class 11 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Approve with Conditions



PROJECT DATA TABLE

	<u>EXISTING</u>	<u>PROPOSED</u>	<u>REQUIRED/ PERMITTED</u>
General Plan	Residential High Density (RHI)	Same	---
Zoning District	Neighborhood Business/ Planned Development C1/PD	Same	---
Lot Size (s.f.)	18,978 s.f.	Same	None
Type of Project	Existing building with wireless antennas located within the architectural dormers	Co-location of 12 additional wireless antennas located on the building's roof. Fully screened by extended 7 foot 6 inch roof extension.	By Special Development Permit
No. of Buildings On-Site	1	Same	---
Building Height (ft.)	32 ft. 9 in.	38 ft. 3 in.	40 ft. max.
No. of Stories	2	Same	2 max.
Landscaping (sq. ft.)			
• Total Landscaping*	2,355 s.f. 17%	2,005 s.f. 14.5%	2,750 s.f. 20%

** The shaded row indicates a deviation from the Sunnyvale Municipal Code Requirements.*

ANALYSIS

Background

Previous Actions on the Site: The following table summarizes previous planning applications related to the subject site.

File Number	Brief Description	Hearing/Decision	Date
2001-0366	MPP- Three wireless antennas mounted within the architectural dormers	Staff Review/Approved	06/11/03
1998-0681	SDP- Office Building	City Council/Approved	10/28/87
1984-0444	Rezone from C2 to R4PD Highway Business to High Density Residential/Planned Development	City Council/Approved	04/14/84
1984-0450	General Plan Amendment- from Commercial General Business to Residential High Density	City Council/Approved	02/28/84
1978-0443	Use Permit- Convert Service Station to Real Estate Office	City Council/Approved	09/25/78
1971-0209	Use Permit- Convert Service Station to Training Center	City Council/Approved	06/14/71
1962-0025	Use Permit- Service Station	City Council/Approved	05/14/62

Description of Proposed Project

The proposed project includes the addition of 12 wireless antennas mounted on top of the roof of an existing two-story medical office building. The antennas would be completely screened by a proposed 7 foot 6 inch tall roof screen extension. The proposed roof screen matches the architectural style of the existing roof and existing materials. (See Attachment 3-Site and Architectural Plans).

The antennas would be connected to equipment cabinets located on the ground. The proposed ground equipment would be screened behind a proposed 7-foot tall stucco wall enclosure. The equipment enclosure would be located to the east of the existing building and set back 16 feet from the Fremont Avenue property line. The equipment enclosure would result in the loss of 350 square feet of existing on-site landscaping area.

The proposed co-location of a wireless telecommunications facility would be the second facility on-site. A Special Development Permit is required for roof mounted antennas, which extend no more than 15 feet above the structure ridgeline located in the C-1/PD Zoning District.

Environmental Review

A Class 11 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 11 Categorical Exemptions includes the addition of accessory structures.

Special Development Permit

Use: The proposed use is a co-location of a wireless telecommunications facility on an existing medical office building site in order to improve wireless service in the area. The proposal will be the second wireless telecommunication facility on-site. The site currently has an existing wireless telecommunications facility that has six antennas located and screened within the architectural dormer features on the office building facade.

Twelve additional wireless antennas are proposed to be mounted on top of the roof of a medical office building. The antennas would be completely screened by a proposed 7 foot 6 inch tall roof extension architecturally integrated into the building's existing roof.

Ancillary equipment would be located at ground level, east of the existing and screened from view by a 7-foot tall stucco wall. Sunnyvale Municipal Code (SMC) section 19.48.100 requires mechanical equipment taller than 18 inches to meet the required setbacks. The required setback along Fremont Avenue is 15 feet, because it is located on a corner. The proposed ground equipment is set back 16 feet from the Fremont Avenue property line meeting the setback requirement. Additionally the SMC requires mechanical equipment to not be located between the face of the building and the street and screened from view. The proposal meets both of requirements.

The SMC requires that the location of telecommunication facilities be designed with sensitivity to the surrounding areas. The proposed facility is compliant with all wireless telecommunication development standards:

- The project meets all FCC RF emissions standards:
- The project is not visible from residentially zoned properties, as the equipment will be completely screened from view.
- The project is not visible from any major arterial streets, freeways or expressways.

- The project is not visible from the Downtown Specific Plan area or other areas identified in the Telecommunications code as being sensitive.
- The project extends the height of an existing roof structure on a commercial site and locates the antennas behind the extended roof, therefore completely screening the equipment. The proposed ground equipment will be located behind a screened enclosure.

Site Layout: The existing medical office building is located at the corner of Fremont Avenue and Wolfe Road. One existing driveway is located off of Fremont Avenue leading into a parking lot. The parking lot is located west of the building. No site layout changes are proposed as part of this project.

Architecture: The existing two-story stucco building is approximately 32 foot 9 inch tall with a hipped parapet roofline. Two dormer features are located on the east and west roof elevations. The two dormers house and screen existing wireless antennas.

The proposed twelve (12) 4 foot by 1 foot panel antennas would be mounted on the existing roof. A proposed 7 foot 6 inch roof screen would extend from the existing roof line creating a total building height of 38 feet 3 inches where 40 feet is allowed in the C-1 zoning district. The antennas would be completely screened from view. The proposed design of the rooftop screening has been designed to be compatible with the existing architectural elements of the building and would encompass the entire roofline of the building. The materials used for the roof screen would match the colors and 50 year composition roof material of the existing building. (See Attachment 4, Photo Simulation of Proposed Roof Screen)

A covered cable would be mounted along the eastern elevation of the building connecting the roof antennas to the ground equipment. The covered cable would be painted to match the existing building.

The antennas would be connected to equipment cabinets located on the ground. The proposed ground equipment would be screened behind a proposed 7-foot tall stucco wall enclosure. The stucco wall will match the existing building's stucco color and texture.

Landscaping: The site currently has 2,355 square feet of existing landscaping which is 17% where 20% is required by the Sunnyvale Municipal Code. The current landscaping area is existing non-conforming. The proposed ground equipment enclosure will replace 350 square feet of landscaping reducing the total landscaping to 2,005 square feet (14.5%). The site would be 745 square feet deficient in landscape area. The existing site conditions are restrictive for alternative locations for placement of the ground equipment. The applicant explored locating the ancillary ground equipment within three of the parking

spaces but found that the site would fall short of required parking. The Planned Development Combining District and Special Development Permit allows for consideration of deviations from the Sunnyvale Municipal Code.

Portions of the existing landscaping are in poor condition, requiring replanting and maintenance. The applicant has proposed a landscape plan, which addresses approximately 440 square feet of site by replanting areas, which have been neglected. Staff recommends Condition of Approval #5, that a landscaping and irrigation plan be submitted for review and approval by the Director of Community Development prior to the issuance of a Building Permit for all areas where landscaping has been removed or damaged. The landscaping and irrigation shall be installed prior to receiving a building permit final inspection. The landscape plan shall include a minimum of 1 fast growing 24-inch box medium sized tree to be planted within the northwestern parking lot planting area.

Parking/Circulation: No additional parking is required for the proposed use. Access to the site is provided through the existing parking lot. No changes are proposed.

Compliance with Development Standards

The project meets all development standards with the exception of the landscaping total area requirement. The applicant however proposes a upgrades on-site landscaping plan and the Planned Development combining district allows for deviations to be considered for each project. The proposed project meets all wireless telecommunications standard development requirements.

Expected Impact on the Surroundings

The project would not have an impact to the surrounding area as the proposed antennas and ancillary ground equipment will be completely screened from view and integrated into the existing architecture of the building and site. Additionally the equipment falls within the allowable FCC RF emission standards.

Findings, General Plan Goals and Conditions of Approval

Staff was able to make the required Findings based on the justifications for the Special Development Permit.

- Findings and General Plan Goals are located in Attachment 1.
- Conditions of Approval are located in Attachment 2.

Fiscal Impact: No fiscal impacts other than normal fees and taxes are expected.

Public Contact

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none">• Published in the <i>Sun</i> newspaper• Posted on the site• Mailed to the adjacent property owners of the project site	<ul style="list-style-type: none">• Posted on the City of Sunnyvale's Website• Provided at the Reference Section of the City of Sunnyvale's Public Library	<ul style="list-style-type: none">• Posted on the City's official notice bulletin board• City of Sunnyvale's Website• Recorded for SunDial

Alternatives

1. Approve the Special Development Permit with attached conditions.
2. Approve the Special Development Permit with modified conditions.
3. Deny the Special Development Permit.

Recommendation

Alternative 1.

Prepared by:

Erin Megan Walters
Project Planner

Reviewed by:

Gerri Caruso
Principal Planner

Attachments:

1. Findings
2. Conditions of Approval
3. Site and Architectural Plans
4. Photo Simulation of Proposed Roof Screen

Findings - Special Development Permit

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale. The Wireless Telecommunications Policy promotes retention of local zoning authority when reviewing telecommunication facilities. The zoning code requires that the location of telecommunication facilities be designed with sensitivity to the surrounding areas. The proposed facility is compliant with all wireless telecommunication development standards:
 - The project meets all FCC RF emissions standards:
 - The project is not visible from residentially zoned properties, as the equipment will be completely screened from view.
 - The project is not visible from any major arterial streets, freeways or expressways.
 - The project is not visible from the Downtown Specific Plan area or other areas identified in the Telecommunications code as being sensitive.
 - The project extends the height of an existing roof structure on a commercial site and locates the antennas behind the extended roof, there for completely screening the equipment. The proposed ground equipment will be located behind a screened enclosure.

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2. The proposed use ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair either the orderly development of, or the existing uses being made of, adjacent properties as the project will be completely screened from view, incorporated into the building architecture and fall within the allowable FCC RF emission standards.

Conditions of Approval - Special Development Permit

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

1. Submit for Building Permits prior to construction/installation activity.
2. Any major modifications or expansion of the approved use shall be approved at a separate public hearing by the Planning Commission. Minor modifications shall be approved by the Director of Community Development.
3. Reproduce the conditions of approval on the plans submitted for building permits.
4. Submit exterior materials and colors for review and approval by the Director of Community Development prior to issuance of a Building Permit. The proposed exterior materials shall match the existing building and roof materials.
5. A landscaping and irrigation plan shall be submitted for review and approval by the Director of Community Development prior to the issuance of a Building Permit for all areas where landscaping has been removed or damaged and shall be installed prior to building permit final. The landscape plan shall include the following elements:
 - a. A minimum of 1 fast growing 24-inch box medium sized tree shall be planted within the northwestern parking lot planting area.
 - b. Ground cover shall be planted so as to ensure full coverage eighteen months after installation.
 - c. All areas not required for parking, driveways or structures shall be landscaped.
6. All signage requires a separate permit.
7. Every owner or operator of a wireless telecommunication facility shall renew the facility permit at least every five (5) years from the date of initial approval.
8. Each facility must comply with any and all applicable regulations and standards promulgated or imposed by any state or federal agency, including but not limited to, the Federal Communications Commission and Federal Aviation Administration.

9. Certification must be provided that the proposed facility will at all times comply with all applicable health requirements and standards pertaining to RF emissions.
10. The owner or operator of any facility shall obtain and maintain current at all times a business licenses issued by the city.
11. The owner or operator of any facility shall submit and maintain current at all times basic contact and site information on a form to be supplied by the city. Applicant shall notify city of any changes to the information submitted within thirty (30) days of any change, including change of the name or legal status of the owner or operator. This information shall include, but is not limited to the following:
 - (a) Identity, including name, address and telephone number, and legal status of the owner of the facility including official identification numbers an FCC certification, and if different from the owner, the identity and legal status of the person or entity responsible for operating the facility.
 - (b) Name, address and telephone number of a local contact person for emergencies.
 - (c) Type of service provided.
12. All facilities and related equipment, including lighting, fences, shields, cabinets, and poles, shall be maintained in good repair, free from trash, debris, litter and graffiti and other forms of vandalism, and any damage from any cause shall be repaired as soon as reasonably possible so as to minimize occurrences of dangerous conditions or visual blight. Graffiti shall be removed from any facility or equipment as soon as practicable, and in no instance more than forty-eight (48) hours from the time of notification by the city.
13. Each facility shall be opened in such a manner so as to minimize any possible disruption caused by noise. Backup generators shall only be operated during periods of power outages, and shall not be tested on weekends or holidays, or between the hours of 10:00 p.m. and 7:00 a.m. on weekend nights. At no time shall equipment noise from any source exceed an exterior noise level of 60 dB at the property line.
14. Each owner or operator of a facility shall routinely and regularly inspect each site to ensure compliance with the standards set forth in the Telecommunications Ordinance.
15. The wireless telecommunication facility provider shall defend, indemnify, and hold harmless the city of any of its boards, commissions, agents, officers, and employees from any claim, action or proceeding against the city, its boards, commission, agents, officers, or employees to attack, set aside, void, or annul, the approval of the project when such claim or

action is brought within the time period provided for in applicable state and/or local statutes. The city shall promptly notify the provider(s) of any such claim, action or proceeding. The city shall have the option of coordination in the defense. Nothing contained in this stipulation shall prohibit the city from participating in a defense of any claim, action, or proceeding if the city bears its own attorney's fees and costs, and the city defends the action in good faith.

16. Facility lessors shall be strictly liable for any and all sudden and accidental pollution and gradual pollution resulting from their use within the city. This liability shall include cleanup, intentional injury or damage to persons or property. Additionally, lessors shall be responsible for any sanctions, fines, or other monetary costs imposed as a result of the release of pollutants from their operations. Pollutants mean any solid, liquid, fumes, acids, alkalis, chemicals, electromagnetic waves and waste. Waste includes materials to be recycled, reconditioned or reclaimed.
17. Wireless telecommunication facility operators shall be strictly liable for interference caused by their facilities with city communication systems. The operator shall be responsible for all labor and equipment costs for determining the source of the interference, all costs associated with eliminating the interference, (including but not limited to filtering, installing cavities, installing directional antennas, powering down systems, and engineering analysis), and all costs arising from third party claims against the city attributable to the interference.